

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROY LEGER

Plaintiff,

vs.

RIVERS EDGE TREESTANDS, INC.

Defendant.

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CIVIL ACTION NO. _____

JURY REQUESTED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, RIVERS EDGE TREESTANDS, INC. ("Defendant"), Defendant in the above-styled cause, and files this Notice of Removal of the present cause from the 172nd Judicial District Court of Jefferson County, Texas in which it is now pending, to the United States District Court for the Eastern District of Texas, Beaumont Division, showing the Court as follows:

1. This cause was commenced in the 172nd Judicial District Court of Jefferson County, Texas on April 30, 2013, when Plaintiff filed his Original Petition in Cause Number E-0194248; *Roy Leger v. Rivers Edge Treestands, Inc.* A copy of Plaintiff's Original Petition is attached hereto and incorporated by reference for all purposes.
2. Defendant was served with a copy of Plaintiff's Original Petition on May 6, 2013.
3. This is a civil action for injuries and damages allegedly sustained by Plaintiff due to his fall from a tree stand manufactured by Defendant. Plaintiff asserts claims against

Defendant for negligence in the manufacture of the tree stand, breach of warranty, and other causes of action.

4. Plaintiff alleges in his Original Petition that he is a resident of Texas, and is therefore a citizen of Texas.

5. Defendant is a foreign corporation duly incorporated in the State of Wisconsin and has its principal place of business in Wisconsin. Defendant, therefore, is a citizen of Wisconsin.

6. For purposes of federal removal jurisdiction pursuant to 28 U.S.C. § 1441, et. seq., complete diversity of citizenship existed at the time this lawsuit was filed and now exists between the parties in the present cause.

7. In his Original Petition, Plaintiff alleges personal injury causes of action for “serious and disabling” injuries sustained in his fall. Plaintiff seeks damages for past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, past and future loss of household services, past and future lost wages.

8. Paragraph XIII of Plaintiff’s Original Petition affirmatively states that he seeks monetary damages in the range prescribed by Texas Rule of Civil Procedure 47(c)(4), which corresponds to a range of \$200,000 to \$1,000,000. TEX. R. CIV. P. 47(c)(4). Therefore, Plaintiff has affirmatively pleaded that he is seeking recovery of damages within the jurisdictional limits of the United States District Court.

9. Upon filing this Notice of Removal, written notice of same has been provided to Plaintiff’s counsel as required by law. A copy of this notice is also being filed with the Clerk of the 172nd Judicial District Court of Jefferson County, Texas.

10. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the service of Plaintiff's Original Petition on Defendant and within one year of the initial filing of the suit.

11. Defendants hereby request a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant RIVERS EDGE TREESTANDS, INC. respectfully prays for removal of the above-entitled and numbered cause from the 172nd Judicial District Court of Jefferson County, Texas to this Honorable Court.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ William R. Moye
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OF COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent to all known counsel of record and/or parties of record via the EM/ECF System and via facsimile pursuant to the Texas Rules of Civil Procedure and the Federal Rules of Civil Procedure on the 22nd day of May, 2013.

Via EM/ECF and Facsimile

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/s/ William R. Moye

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